

- 74 -
REGULAR MEETING
CITY COUNCIL
SEPTEMBER 4, 2003

ROLL CALL:

MR. WOJCIK, MR. FOY, MR. JUDGE, MR. DORAN, MRS. WELCOME, MRS. COLLIER, MR. LaPOSTA, MR. ARMET, PRESIDENT TUTUNJIAN

PUBLIC FORUM: List of Speakers on file

LOCAL LAW NO. 1 – REFERRED TO PUBLIC HEARING 10-02-03

LOCAL LAW NO. 2 – REFERRED TO PUBLIC HEARING 10-02-03

ORDINANCE NO. 1

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER JUDGE

**ORDINANCE AUTHORIZING INTERFUND TRANSFERS AND AMENDING THE CAPITAL FUND
TO SUPPORT THE TRAFFIC SIGNAL EQUIPMENT PROJECT**

The City of Troy, convened in City Council, ordains as follows:

Section 1. Fund transfers are herein authorized as provided in Schedule “A-3” entitled “Capital Fund/2000 Street and Traffic Improvement Interfund Transfer”, Schedule “A-2” entitled “General Fund Budget Amendment Interfund Transfer/Distressed Cities” and Schedule “A-1” entitled “Capital Fund 2003 Budget Amendment Improvement Traffic Signal Equipment Project H1999-385”, which are attached hereto and made a part hereof.

Section 2. The Mayor is herein authorized and directed to comply with the provisions of the City’s procurement policy in soliciting contracts for goods and services, including professional services, to make the purchase referred to herein. After complying with the provisions of the City’s procurement policy, the Mayor is herein authorized and directed to sign any and all contracts necessary to complete the purchase, but only if the city’s financial obligations under said contracts are consistent with the appropriations herein made.

Section 3. This act shall take effect immediately.

Approved as to form, August 26, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 1 PASSED – UNANIMOUS

To Mayor, 9/5/03 for Executive Action – Approved, Returned 9/16/03

SCHEDULE “A-1, A-2 & A-3” ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 2

INTRODUCED BY: COUNCIL MEMBERS TUTUNJIAN/WOJCIK

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LEASE WITH JOHN SCANLON’S
MARKET BLOCK, INC. FOR THE PROPERTY COMMONLY KNOWN AS 284 RIVER STREET**

The City of Troy, convened in City Council, ordains as follows;

Section 1. Pursuant to Section 5.51 of the Troy City Charter the City Council herein determines that the property located at 284 River Street is no longer needed for city purposes.

Section 2. The Mayor, on behalf of the City of Troy, is hereby authorized to execute a lease agreement with John Scanlon’s Market Block, Inc. leasing 284 River Street located in the City of Troy, under essentially the same terms as the attached.

Section 3. This Act shall take effect immediately.

Approved as to form, August 18, 2003

Patrick T. Morphy, Corporation Counsel

**REGULAR MEETING
CITY COUNCIL
SEPTEMBER 4, 2003**

ORDINANCE NO. 2 PASSED – UNANIMOUS

To Mayor, 9/5/03 for Executive Action – Approved, Returned 9/16/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 3

INTRODUCED BY: COUNCIL MEMBER WOJCIK

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED TRANSFERRING A PARCEL
OF CITY OWNED REAL PROPERTY TO MRK REAL PROPERTY, LLC**

The City of Troy, convened in City Council, ordains as follows:

Section 1. Pursuant to Section 5.51 of the Troy City Charter the City Council herein determines that the real property described in the attached Schedule A is no longer needed for City purposes.

Section 2. The Mayor, on behalf of the City of Troy, is hereby authorized to execute a quit claim deed in the form of the attached, transferring title to the real property described therein to MRK Real Property, LLC for no actual consideration.

Section 3. This Act shall take effect immediately.

Approved as to form, August 11, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 3 PASSED – UNANIMOUS

To Mayor, 9/5/03 for Executive Action – Approved, Returned 9/16/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 4

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE AMENDING THE 2003 CITY BUDGET TO AUTHORIZE THE TRANSFER OF FUNDS
TO MODIFY APPROPRIATIONS WITHOUT ADDITIONAL APPROPRIATIONS**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The 2003 City Budget is hereby amended to provide for the transfer of funds as provided in Schedule “A” entitled

Comprehensive Interim Budget Amendment

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, August 11, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 4 PASSED – UNANIMOUS

To Mayor, 9/5/03 for Executive Action – Approved, Returned 9/16/03

SCHEDULE “A” ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 5A

INTRODUCED BY: COUNCIL MEMBER JUDGE

MOTION TO TABLE BY: COUNCIL MEMBER COLLIER

SECONDED BY: COUNCIL MEMBER ARMET

MOTION PASSED: AYES 6 – NOES 3 (Noes: Welcome, Doran & LaPosta)

- 76 -
REGULAR MEETING
CITY COUNCIL
SEPTEMBER 4, 2003

ORDINANCE NO. 5B

INTRODUCED BY: COUNCIL MEMBER JUDGE

MOTION TO TABLE BY: COUNCIL MEMBER COLLIER

SECONDED BY: COUNCIL MEMBER ARMET

MOTION PASSED: AYES 6 – NOES 3 (Noes: Welcome, Doran & LaPosta)

ORDINANCE NO. 6

INTRODUCED BY: COUNCIL MEMBER JUDGE

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE AUTHORIZING AND DIRECTING SALE BY THE PROPOSAL METHOD OF CITY
OWNED REAL PROPERTY**

The City of Troy, in City Council convened, ordains as follows:

Section 1. Pursuant to Section 25 ½ - 6 of the Code of Ordinances, the Bureau of Surplus Property accepted proposals on the hereinafter described property.

Section 2. The Mayor is hereby authorized and directed to sell and convey the hereinafter described real property to the following named purchaser for the sum below indicated which is hereby determined to be a fair price for the same without the necessity of competitive bidding and upon the terms and conditions set forth below.

Section 3. The purchaser, purchase price and terms and conditions of sale are as follows:

PURCHASER: HENRY D. TRAHAN, 746 Fifth Ave., Troy, NY 12180

PURCHASE PRICE: \$1,100.00 plus advertising cost of \$25.00

TERMS AND CONDITIONS:

- A. Within thirty (30) days of the effective date of this ordinance the purchaser shall pay the purchase price, plus advertising cost and payment in lieu of City taxes through December 31, 2004 and School taxes through June 30, 2004, and execute a contract setting forth the conditions of sale as outlined in the annexed proposal and guaranteeing performance.
- B. Upon the 1st day of January 2005, taxes and other assessments shall become due and payable by the purchaser except all water and sewer rents, which shall be charged from the date of this conveyance.
- C. This conveyance is made subject to the condition that it must be cleaned and maintained so as not to be a nuisance or detriment to its neighborhood within six (6) months after the date of the deed. If the purchaser, his successor, or assigns shall fail to comply with this condition the City of Troy has a right to re-enter the property without refunding the purchase price.

Section 4. The said real property is described as follows:

SEE SCHEDULE "A" ATTACHED

Section 5. The City Treasurer is hereby authorized to cancel any and all taxes and tax sale certificates now in existence except water and sewer rents, which have not become liens and the City Treasurer is authorized to make appropriate notations upon the books and records of the City of Troy.

Section 6. This Ordinance shall take effect immediately.

Approved as to form, August 27, 2003
Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 6 PASSED – UNANIMOUS

**REGULAR MEETING
CITY COUNCIL
SEPTEMBER 4, 2003**

To Mayor, 9/5/03 for Executive Action – Approved, Returned 9/16/03
SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 7

INTRODUCED BY: COUNCIL MEMBER FOY

SECONDED BY: COUNCIL MEMBER WELCOME

ORDINANCE AMENDING TROY ZONING ORDINANCE APPENDIX “D” (Troy Medical Center)

The City of Troy, in city council, convened, ordains as follows:

Section 1. That Appendix “D” (Zoning Map of the Troy Zoning Ordinance) is hereby amended to change that part of the R1 zone specified in the attached Schedule A to an “I”, “Institutional” zone.

Section 2. This Ordinance will take effect immediately.

Approved as to form July 28, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 7 PASSED – UNANIMOUS

To Mayor, 9/5/03 for Executive Action – Approved, Returned 9/16/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 8

INTRODUCED BY: COUNCIL MEMBER WOJCIK

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE AUTHORIZING SETTLEMENT OF CLAIM AGAINST CITY OF TROY – SUSAN
MACKEY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City Council of the City of Troy, New York hereby approves the following claim against the City of Troy in the amount indicated:

“SUSAN MACKEY IN THE AMOUNT OF
ONE THOUSAND ONE HUNDRED SIXTY-SIX AND 49/100 DOLALRS
(\$1,166.49)”

Section 2. The above compromise is approved and ratified in accordance with Local Law No. 1 for the year 1964.

Section 3. The Comptroller be and hereby is authorized and directed to make, issue and countersign a draft as outlined above, said sum to be payable out of the Judgments and Claims Account.

Approved as to form, August 21, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 8 PASSED – UNANIMOUS

To Mayor, 9/5/03 for Executive Action – Approved, Returned 9/16/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 9

INTRODUCED BY: COUNCIL MEMBER WOJCIK

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE AUTHORIZING SETTLEMENT OF CLAIM AGAINST CITY OF TROY – SCOTT
SAVARIA**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City Council of the City of Troy, New York hereby approves the following claim against the City of Troy in the amount indicated:

- 78 -
REGULAR MEETING
CITY COUNCIL
SEPTEMBER 4, 2003

“LIBERTY MUTUAL INSURANCE COMPANY a/s/o
SCOTT SAVARIA IN THE AMOUNT OF
TWO THOUSAND SEVEN HUNDRED THIRTY-ONE AND 87/100 DOLLARS
(\$2,731.87)”

Section 2. The above compromise is approved and ratified in accordance with Local Law No. 1 for the year 1964.

Section 3. The Comptroller be and hereby is authorized and directed to make, issue and countersign a draft as outlined above, said sum to be payable out of the Judgments and Claims Account.

Approved as to form, August 19, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 9 PASSED – UNANIMOUS

To Mayor, 9/5/03 for Executive Action – Approved, Returned 9/16/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 10

INTRODUCED BY: COUNCIL MEMBER WOJCIK

SECONDED BY: COUNCIL MEMBER LAPOSTA

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI PROCEEDINGS INSTITUTED BY
VARIOUS PROPERTY OWNERS LOCATED IN THE CITY OF TROY AND ON THE ASSESSMENT
ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in certain stipulations on file with the office of the Corporation Council:

Michael Brockway

90.39-5-50

80.71-4-19

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders said tax rolls shall be adjusted accordingly and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to Form August 18, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 10 PASSED – AYES 6, NOES 3 (Noes: Doran, Welcome & LaPosta)

To Mayor, 9/5/03 for Executive Action – Approved, Returned 9/16/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 11

INTRODUCED BY: COUNCIL MEMBER DORAN

SECONDED BY: COUNCIL MEMBER LAPOSTA

**ORDINANCE DESIGNATING NINETEENTH STREET FROM PEOPLES AVENUE TO SHERRY
ROAD “TOM PHELAN PLACE” AND DESIGNATING 2008 NINETEENTH STREET “TEN TOM
PHELAN PLACE”**

**REGULAR MEETING
CITY COUNCIL
SEPTEMBER 4, 2003**

WHEREAS, Father Thomas Phelan is a native of Rensselaer, New York, and has held positions as Resident Catholic Chaplain, Dean of Humanities and Social Sciences, and Institute Dean and Historian at Rensselaer Polytechnic Institute for forty-four years; and

WHEREAS, as a member of the Rensselaer family, Father Phelan built the Chapel + Cultural Center as a community resource; funded the University Parish of Christ Sun of Justice; ministered to the needs of generations of college students who bring distinction to their Alma Mater and to the City of Troy; revamped the humanities and social sciences faculty and curriculum; and renovated the Russell Sage Laboratory as a home for the humanities and social sciences; and

WHEREAS, as a resident of the City of Troy and the greater Capital Region, Father Phelan co-founded the Hudson Mohawk Industrial Gateway and served as its first president; located in Troy the Architecture and Building Commission of the Diocese of Albany; and served many of the arts, education, cultural, and preservation institutions in the city and region; and

WHEREAS, as a global citizen, Father Phelan brought great honor to the City of Troy through his writings on its history and through his association with prominent state, national, and international historic preservation organizations; and

WHEREAS, Father Phelan's contribution to the City of Troy is legend and worthy of this honor.

NOW, THEREFORE, BE IT RESOLVED, that the City of Troy, in City Council, convened, ordains that Nineteenth Street between Peoples Avenue to Sherry Road is hereby designated "Tom Phelan Place"; and

BE IT FUTHER RESOLVED, that 2008 Nineteenth Street, the only home situated on said street, is hereby designated "Ten Tom Phelan Place", all as shown on a map attached hereto and made a part hereof.

This ordinance shall take effect immediately.

Approved as to form, September 3, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 11 PASSED – UNANIMOUS

To Mayor, 9/5/03 for Executive Action – Approved, Returned 9/16/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 1

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER ARMET

CITY OF TROY RESOLUTION TO HOLD PUBLIC HEARING ON PROPOSED LOCAL LAW

WHEREAS, the City Council of the City of Troy has entered into a project for the codification of local laws, ordinances and certain resolutions of the City of Troy for the purposes of increasing the effectiveness of City governmental administration, providing for greater public awareness of and access to City legislation and protecting the health, safety and welfare of City inhabitants; and

WHEREAS the proposed codification has been published in loose-leaf form and the City Council now desires to formally effect the adoption of said codification by enactment of a local law;

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held by the City Council with respect to enactment of the following local law, such public hearing to be held on the 2nd day of October, 2003 at 6:45 p.m. The proposed local law to be considered is as follows:

LOCAL LAW NO. 4 – 2003

A LOCAL LAW TO PROVIDE FOR THE DOCIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE CITY OF TROY INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE CITY OF TROY"

Copies of the text of the above-named local law shall be filed in the office of the City Clerk.

- 80 -
REGULAR MEETING
CITY COUNCIL
SEPTEMBER 4, 2003

AND BE IT FURTHER RESOLVED that the City Clerk is hereby directed and authorized to cause public notice of said hearing to be given in accordance with the Municipal Home Rule Law, the Open Meetings Law of the State of New York and the General City Law and the Charter of the City of Troy.

VOTE OF CITY COUNCIL

AYES: 9

NOES: 0

Date: September 4, 2003

RESOLUTION NO. 2

INTRODUCED BY: COUNCIL MEMBER FOY

SECONDED BY: COUNCILWOMAN WELCOME

SAMPLE RESOLUTION BY MUNICIPALITY (Locally Administered Project) Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the Traffic Signal Equipment Replacement/Upgrade/Interconnect on 2nd Avenue, City of Troy, P.I.N. 1755.42 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Troy desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering and Construction.

NOW THEREFORE, the Troy City Council, duly convened does hereby

RESOLVE, that the City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council hereby authorizes the City of Troy to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and Construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$120,000.00 (One hundred twenty thousand dollars and no cents) has already been appropriated from Account H1999-385 and made available to cover the cost of participation in the Preliminary Engineering phase of the Project; and it is further

RESOLVED, that an additional sum of \$1,287,000.00 (One million two hundred eighty seven thousand dollars and no cents) is hereby appropriated from H-1999-385 (or, Appropriated pursuant to _____) and made available to cover the cost of participation in the Construction phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City Council of the City of Troy shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the City of Troy be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Troy with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately.

Approved as to form, August 28, 2003

- 81 -
REGULAR MEETING
CITY COUNCIL
SEPTEMBER 4, 2003

Patrick T. Morphy, Corporation Counsel

RESOLUTION NO. 2 PASSED – UNANIMOUS

To Mayor, 9/5/03 for Executive Action – Approved, Returned 9/16/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 3

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER LAPOSTA

RESOLUTION APPOINTING COMMISSIONERS OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons Commissioners of Deeds for the City of Troy for a two year term commencing September 5, 2003 through September 4, 2005:

Lisa Smith

2215 Burdett Avenue

Approved as to form, August 26, 2003

Patrick T. Morphy, Corporation Counsel

RESOLUTION NO. 3 PASSED – UNANIMOUS

To Mayor, 9/5/03 for Executive Action – Approved, Returned 9/16/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO: 4

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

MOTION TO AMEND BY: COUNCIL MEMBER FOY

SECONDED BY: COUNCIL MEMBER JUDGE

**AMENDED RESOLUTION SUPPORTING THE APPLICATION FOR WEED AND SEED FUNDING
FOR SOUTHERN TROY**

WHEREAS, the Weed and Seed Steering Committee has identified South Central and South Troy as areas of the City that can benefit from the Department of Justice Weed and Seed program; and

WHEREAS, a grant application has been prepared to apply for such funding; and

WHEREAS, such funding will enable the implementation of law enforcement efforts to help reduce crime in the target areas and improve the quality of life in these neighborhoods; and

WHEREAS, such funding will develop initiatives to stimulate economic development and bridge the gap between the public and existing service providers in the community; and

WHEREAS, it is understood that the successful award of this grant would provide an estimated \$225,000 annually, for a five year period, to implement these programs in the South Central, South Troy and Stowe Avenue target areas; and

WHEREAS, several neighborhood and community leaders have worked tirelessly to design and submit this most important application.

NOW, THEREFORE, BE IT RESOLVED, that we the City Council of Troy, New York do hereby support the submission of the application for Official Recognition for Southern Troy Weed and Seed to the United States Department of Justice.

Approved as to form, September 5, 2003

Patrick T. Morphy, Corporation Counsel

RESOLUTION NO. 4 PASSED – UNANIMOUS

To Mayor, 9/5/03 for Executive Action – Approved, Returned 9/16/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION